

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	CRIMINAL NO. 4:09CR109
v.	§	
	§	
CHRISTINA BLOOM SMILEY	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 22, 2010 to determine whether the Defendant violated her supervised release. The Defendant was represented by Frank Henderson. The Government was represented by Miriam Rea.

On March 7, 2006, the Defendant was sentenced by the Honorable Glen E. Conrad, United States District Judge, to 24 months imprisonment followed by a 3-year term of supervised release for the offenses of conspiracy to counterfeit and pass federal reserve notes and pass counterfeit obligations. Defendant began her term of supervision on March 15, 2007. On June 18, 2009, the case was transferred to this District and re-assigned to the Honorable Richard A. Schell.

On March 15, 2010, the U.S. Probation Officer filed an amended Petition for Warrant or Summons for Offender under Supervision (Dkt. 4). The petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state or local crime; (2) Defendant shall not unlawfully possess a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (5) Defendant shall refrain from any unlawful use of a controlled substance, and Defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court; (6) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (7) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; (8) Defendant shall participate in a program of testing and treatment for substance abuse and/or alcohol abuse, as directed by the probation officer, until such time as Defendant is released from the program by the probation officer; and (9) Defendant shall participate in a program of mental health treatment, as directed by the probation officer, until such time as Defendant is released from the program by the probation officer.

The amended petition alleges that Defendant committed the following violations: (1) on November 4, 2009, Defendant was arrested in Flower Mound, Texas for the offenses of Poss Con Sub PG1 1G<4G and Prohibited Weapon, both 3rd degree felonies, Fraud Use/Poss Identifying Info

Items => 50 or More, a 1st degree felony, and that at the time of the filing of the petition, Defendant was in Denton County Jail with no bond; (2) on December 15, 2009, Defendant was also charged with three counts of Grand Theft by Obtaining Property Under False Pretenses, filed by the Idaho County Sheriff's Office, Idaho; (3) on August 19, 2008, Defendant submitted a urine specimen that tested positive for methamphetamine; (4) Defendant failed to report to the U.S. Probation Office on April 9, 2009, as instructed, and failed to submit a written monthly report within the first five days for the months of August, November and December 2008 and January through July 2009; (5) Defendant failed to notify the U.S. Probation Office within 72 hours of her arrest for traffic warrants on April 11, 2009 by the Lewisville, Texas Police Department; (6) on February 2, March 6, 28, April 6, 20, 25, May 8, 28, June 8, 22, 2009, Defendant failed to report as instructed to Addiction Recovery Center in Lewisville, Texas to submit a urine specimen for testing; and (7) on April 1, 2009, Defendant was unsuccessfully discharged from mental health aftercare with Amy M. Williams Ph. D., due to "inconsistent attendance and a low commitment to treatment."

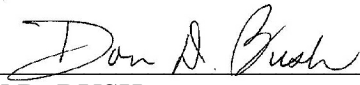
At the hearing, Defendant entered a plea of true to the alleged violations of conditions of her supervised release. The Court finds that Defendant has violated the terms of her supervised release. Defendant waived her right to allocute before the district judge and her right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 24 months, with

12 months of her sentence being served consecutively to any other state court sentence and 12 months of her sentence being served concurrently with any other state court sentence, and no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prison facilities located in Danbury, Connecticut, if appropriate.

SIGNED this 25th day of June, 2010.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE